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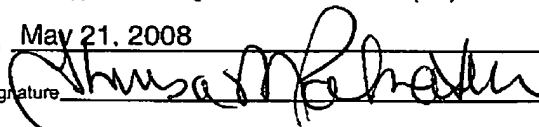

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		60469-092PUS1;05193US	
<b>CERTIFICATE OF FACSIMILE</b> I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>May 21, 2008</u> Signature <u></u> Typed or printed name <u>Theresa M. Palmateer</u>		Application Number <u>10/589,479</u>	Filed <u>08/14/2006</u>
		First Named Inventor <u>William Veronesi, et al.</u>	
		Art Unit <u>2857</u>	Examiner <u>West, Jeffrey R.</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		 Signature	
<input type="checkbox"/> applicant/inventor.		<u>David J. Gaskey</u> Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,139</u>		<u>248-988-8360</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>May 21, 2008</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required: Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this Notice of Appeal, relative to Application Serial No. 10/589,479, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on May 21, 2008.

  
Theresa M. Palmateer

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60,469-092 PUS1  
PA-000.05193-US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Veronesi, William, et al.	International App. No.: PCT/US2004/008192
Serial Number:	10/589,479	International App. Filing Date: 16 March 2004
Filed:	08/14/2006	
Group Art Unit:	2857	
Examiner:	West, Jeffrey R.	
Title:	TENSILE SUPPORT STRENGTH MEASUREMENT SYSTEM AND METHOD	

**REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests pre-appeal brief review of the rejections under 35 U.S.C. §103 of claims 16 and 20 because there is no *prima facie* case of obviousness. Both rejections rely upon the *Barrett, et al.* reference. The Examiner contends that the *Barrett, et al.* reference discloses "determining a rate of degradation of an individual tension member for a selected load by monitoring how the degradation varies over time based on how much of the selected load is carried by each tension member." Applicant respectfully disagrees.

The only statement in the *Barrett, et al.* reference regarding degradation is found in column 3, lines 10-16. Specifically, the *Barrett, et al.* reference states, "By measuring the load in each tension member 28, individually, any stretching of [sic, or] degradation of the tension members 28 can also be sensed as the load carried by each tension member 28 varies over time." There is nothing in that statement that indicates any determination of a *rate* of degradation. There is only mention of sensing degradation. Determining a rate of degradation is a different thing than sensing degradation. Additionally, the load in the *Barrett, et al.* reference is described as varying over time. It does not describe "how the degradation varies over time" as suggested

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by the Examiner in the Office Action. There is a distinction between a load varying over time and degradation varying over time.

There is nothing in the *Barrett, et al.* reference that supports the Examiner's position that it teaches determining a rate of degradation. There is no indication of how the load or degradation are tracked with respect to time or measured over time to determine a rate of degradation. There is no statement regarding how the load that varies over time (e.g., the same passengers are not on the elevator at all times) is tracked in some way to provide any indication of a rate of change in the load. Moreover, there is no statement regarding how the load is related to the degradation in a way that would provide any indication of how to determine a rate of degradation based on measured load (whether tracked with respect to time or not).

Therefore, there is no *prima facie* case of obviousness. Both rejections under 35 U.S.C. §103 suffer from the same defect in that the proposed combinations do not provide the results suggested by the Examiner.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

David J. Gaskey, Reg. No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: May 21, 2008

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I hereby certify that this Request for Pre-Appeal Brief Review, relative to Application Serial No. 10/589,479, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on May 21, 2008.

  
Theresa M. Palmateer

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